

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Edward Thomas Kennedy

(b) County of Residence of First Listed Plaintiff *Lehigh*
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Brinn's Jones

County of Residence of First Listed Defendant *Philadelphia*
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|---|--|---|--|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input checked="" type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

See complaint

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

8/9/2018

SIGNATURE OF ATTORNEY OF RECORD

Ed Kennedy

(Seal)

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar.)

Address of Plaintiff: 401 T. Hoge Rd. Breinigsville, PA 18031

Address of Defendant: ~~State Capital Industries PA 17126~~

Place of Accident, Incident or Transaction: County of Lehigh, Pennsylvania

home → 701 Market St. #2200 Philadelphia PA 19106

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/6/2018SJR KennedySE12

Attorney at Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases

(Please specify): TRESPASS ETC.

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

EDWARD THOMAS KENNEDY ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, SJR Kennedy, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 8/9/2018SJR KennedySE12

Attorney at Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I object to the phrase "pro se."

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Kennedy

v.


Jones, et al.

CIVIL ACTION

NO. 18 3442

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)  ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

8/9/2018

Date

S + TL Kennedy

Attorney-at-law

(Sent)

Attorney for

415-275-1244

Telephone

570-609-1810

FAX Number

Kennedy 2018

E-Mail Address

E ALUMNI

N.D. edw

EGS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
Allentown Division

Edward Thomas Kennedy

Plaintiff,

v.

Civil Action No. 18 3442

TRIAL BY JURY DEMANDED

Brian S Jones, Internal Revenue Service,
William M. Paul, Bruce K. Meneely, Nancy B. Romano,
Harry J. Negro, Douglas H. Shulman, Mark
W. Everson, Charles O. Rossotti, John Koskinen,
David J. Kautter, R.B. Simmons, and Michael Wright,
all in their official and individual capacities,

Defendants.

INTRODUCTION

Jurisdiction and Venue

1. This is a diversity matter, and this court of record has jurisdiction over diversity matters, and the injuries to the Plaintiff occurred in the territory of this district court in the third circuit.¹

2. Edward Thomas Kennedy, (hereinafter "Plaintiff" and /or "Kennedy") is one of the people of Pennsylvania, and in this court of record wishes and moves the Court to

¹ Samuel Anthony Alito, Associate Justice, Supreme Court of the United States, 1 First Street NE, Washington, DC 20543 is the common law Judge who oversees this case.

Order Defendants to Stop Stealing from the Plaintiff; Return all Stolen Funds from Plaintiff to the Plaintiff Nunc Pro tunc, Remove all Tax Liens and Tax Levies nunc pro tunc, and pay the Plaintiff damages for his injuries described in the six Causes of Action herein.

3. This Plaintiff's Original Complaint is unique and Plaintiff believes it does not conflict with any other active case in this district.

4. Plaintiff has no contract with the Defendant Internal Revenue Service.

5. Defendant Internal Revenue Service is a debt collector.

6. Defendant Internal Revenue Service has no license as a debt collector in the Commonwealth of Pennsylvania, evidenced by official public information on internet websites.

7. Through the courts, Kennedy encourages the government, its agencies and employees to obey the law.

8. The Internal Revenue codes are not law, and have no foundation in law.

9. The Internal Revenue codes are not law, and have no legislative foundation.

10. The Internal Revenue codes are not law, and have no lawful status in this court of record.

11. Plaintiff is one of the people of Pennsylvania, and Internal Revenue code is not law in this court of record and/ or the United States Tax Court.

12. Upon information and belief, based on Freedom of Information requests to the Internal Revenue Service by the Plaintiff, Plaintiff states no Defendant Commissioner Internal Revenue Service² have a lawful oath of office, which invalidates Defendant's tax levy, tax liens

² Includes Defendants Shulman, Everson, Rossotti, Koskinen and Kautter

and claims for funds against the Plaintiff.

13. Plaintiff in United States Tax Court objected to the fact Modern Attorney Jones and his Modern Attorney bosses failed to declare and/or swear under penalty of perjury that their paperwork is true and correct, probable evidence of their intent to lie, mislead, misconstrue, misrepresent and/or put false information into the US Tax Court, a court of record.

14. Defendant Modern Attorney Brian S. Jones and his Modern Attorney bosses did put false data into the case, and thus lied, mislead, misconstrued, misrepresented information into the United States Tax Court, a court of record.

15. Modern Attorney Brian S. Jones, employed by Defendant Internal Revenue Service, and his modern Attorney bosses, William M. Paul, Bruce K. Meneely, Nancy B. Romano, Harry J. Negro, all took oaths with the federal government, their employer and their Modern Attorney (trade) BAR Associations to tell the truth, and not to lie, and not to mislead, misconstrue, misrepresent and/or put false information into courts of law and in the public record.

16. Defendant modern Attorneys herein misconstrued, mislead and put false information into United States Tax Court in Docket No. 11586-18, Exhibit 2, for their code, 26, USC 7441, states United States Tax Court is a court of record and not an administrative court. In other words, no statutes or codes. Defendant Jones plead statutes and codes. Modern Attorneys listed herein, the Defendant, Internal Revenue Service, exceeded their jurisdiction, and this caused injury to the Plaintiff.

FIRST CAUSE OF ACTION – TRESPASS

17. Paragraphs 1 through 16 are included by reference as though fully stated herein.

18. Edward Thomas Kennedy, Plaintiff (hereinafter "Kennedy" and/or "Plaintiff") is one of the people of the Pennsylvania, and in this court of record complains of each of the following: Brian S Jones, Internal Revenue Service, William M. Paul, Bruce K. Meneely, Nancy B. Romano, Harry J. Negro, Douglas H. Shulman, Mark W. Everson, Charles O. Rossotti, John Koskinen, David J. Kautter, R.B. Simmons, and Michael Wright, all in their official and individual capacities, hereinafter "Defendant" and/or "Bandit" and all collectively "Defendants" and/or "Bandits" who are each summoned to answer and declare or swear under penalty of perjury the said in a plea of trespass, trespass on the case, trespass on the case - vicarious liability, and failure to provide a republican form of government, trover, and intentional infliction of emotional distress, to wit:

19. Each Bandit exceeded their jurisdiction by either directly, through an employee and/or agent, or in concert with another did cause Kennedy to be unlawfully injured against his will, without jurisdiction or good cause. Said Bandits, without good cause, harmed Kennedy. From the moment he was harmed till the present, Kennedy, under color of law, was kept in financial and constructive imprisonment. Although Kennedy objected to the assumed jurisdiction, those who kept him imprisoned under color of law did not respond to any of his demands and requests for proof of jurisdiction or for reinstatement of his liberty or the return of stolen property from Kennedy. They continued to assume the jurisdiction without proof of jurisdiction or any attempt at proof of jurisdiction. Kennedy

continues to be subject, under color of law, to the assumed jurisdiction, will and control of the Bandits.

20. Modern BAR Attorneys Defendants William M. Paul, Bruce K. Meneely, Nancy B. Romano, Harry J. Negro, and Brian S Jones, took oaths not to steal, and not to lie, and not to mislead, misconstrue, misrepresent and/or put false information into courts of law and in the public record.

21. Defendants William M. Paul, Bruce K. Meneely, Nancy B. Romano, Harry J. Negro, Brian S Jones violated their oath and did lie, mislead, misconstrue, misrepresent and/or put false information into courts, evidenced by this court of record paperwork, previous tax liens and tax levies against the Plaintiff without jurisdiction of law and in the public record.

22. Since January, 2018, Internal Revenue Service employees and/or agents of have stolen funds from the Plaintiff seven times.

23. Each defendant acted in such a way, or failed to act in such a way, that Kennedy is and was deprived of his liberty. Each defendant acted to deprive Kennedy of his liberty; or each defendant failed to act to prevent the loss by Kennedy of his liberty. Further, each defendant is a willing participant in concert with each of the remaining defendants.

24. At all times mentioned in this action each defendant is the agent of the other, and in doing the acts alleged in this action, each is acting within the course and scope of said agency. The following paragraphs describe what the Bandits, under color of law, either acted or failed to act as obligated.

25. Each defendant exceeded his jurisdiction under color of law. Each defendant acted in concert with the remaining employees and/or agents of the defendants to affect the unlawful loss of liberty of Kennedy.

26. Kennedy involuntarily was charged with debt by Defendants before a court not of record and not a nisi prius court. Employees and/or agents of the defendants ignored Kennedy's Common law petitions.

27. Defendants ignored Kennedy's motions and objections, and proceeded under color of law.

28. Defendants have a duty to not cause Kennedy to be harmed under color of law, to not cause loss of liberty.

29. Further, defendants have a duty to prove jurisdiction when objection to jurisdiction is asserted.

30. Defendants have breached that duty.

31. The damages for the injury caused by defendants' actions are \$1,000 for each day of unlawful behaviors for each defendant, or \$5,000,000.00, whichever is greater;

32. The damages for the injury caused by defendant's' absence of required action is \$5,000 for each failure to act for each defendant, or \$15,000,000.00, whichever is greater;

SECOND CAUSE OF ACTION – TRESPASS ON THE CASE

33. Paragraphs 1 through 32 are included by reference as though fully stated herein.

34. By right, Kennedy reasonably expects to proceed without injury, secure in his capacities. By right, Kennedy reasonably expects to exercise his right to liberty.

35. Defendants have a legal duty to use due care and not cause an injury to Plaintiff Kennedy or interfere with said rights in any way.

36. Employees and/or agents of the defendants breached that duty by proximately or legally, directly and indirectly, causing the injuries to Plaintiff Kennedy in US Tax Court, Docket No. 11586-18, by filing false information against Kennedy.

37. The damages claimed are all a result of the injuries.

THIRD CAUSE OF ACTION – TRESPASS ON THE CASE -VICARIOUS LIABILITY

38. Paragraphs 1 through 37 are included by reference as though fully stated herein.

39. Power is never without responsibility. And when authority derives in part from Government's thumb on the scales, the exercise of that power by private persons becomes closely akin, in some respects, to its exercise by Government itself.

40. The purpose of imposing vicarious liability is to insure the costs of injuries resulting from defective actions are placed on the source of the actions and others who make the actions possible rather than on injured persons who are powerless to protect themselves. For a defendant to be vicariously liable it must play an integral and vital part in the overall production and promotion activity so that the actor is in a position to affect others or, at the very least, it must provide a link in the chain of exposing the ultimate victim to the actor. The vicariously liable defendant must be in the business of controlling, leasing, bailing, or licensing the actors.

41. Each defendant is an agent of the other, and each has his place in the chain of exposing plaintiff Kennedy to the actors. Each defendant and each employee and/or agent of the defendants are vicariously liable for each instance of injury to plaintiff.

FOURTH CAUSE OF ACTION – FAILURE TO PROVIDE A REPUBLICAN FORM OF GOVERNMENT

42. Paragraphs 1 through 41 are included by reference as though fully stated herein.

43. Kennedy wishes defendants to not breach their fiduciary duty to Kennedy, and to not breach their oaths of offices.

44. Defendants exceeded their jurisdiction, and because defendants exceeded their jurisdiction, Plaintiff Kennedy became injured in the loss of his rights.

45. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4). No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority.

46. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy.

47. The business model of defendant Internal Revenue Service is based on a foundation of deceptions, lies and fraud.

48. The damages claimed are all a result of the injuries.

FIFTH CAUSE OF ACTION - TROVER

49. Paragraphs 1 through 48 are included by reference as though fully stated herein.

50. Defendant Bandits, wrongly took, that is stole, funds by the Internal Revenue Service Federal Payment Levy Program, Annex 5, PO Box 219236, Kansas City, MO 64121-9236 since January 2018 to present of approximately \$238.95 per month.

51. The damages claimed are all a result of the injuries.

SIXTH CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

52. Paragraphs 1 through 51 are included by reference as though fully stated herein.

53. Plaintiff's claim for intentional infliction of emotional distress is a tort, and the defendant's continued outrageous behavior is the cause of severe emotional stress.

54. Plaintiff's have no license to be debt collectors in the Commonwealth of Pennsylvania, yet defendants now continue to steal funds from the plaintiffs' US Treasury account for false claims of debt.

55. This severe stress from the tax court case affects plaintiff now.

56. Elements of intentional infliction of emotional distress as a tort is as follows: (1) the defendant must act intentionally or recklessly; (2) the defendant's conduct must be extreme and outrageous; and (3) the conduct must be the cause (4) of severe emotional distress.

57. Defendants continue to steal funds from the Plaintiff's account at the US Treasury, with no foundation of law and no evidence of any debt owed to the employer of

the defendants or the US Treasury.

58. The damages claimed are all a result of the injuries.

LAW OF THE CASE

59. Exhibit "1" is incorporated by reference as though fully stated herein. The date of the claim is the date of the hearing Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law.³

REQUEST FOR RELIEF

60. For that cause of action(s) therefore Plaintiff brings his suit.

61. WHEREFORE, Plaintiff prays judgment against defendants, and each of them, as follows:

On all causes of action:

62. For general damages in the sum of \$1,000 for each day of unlawful behaviors for each defendant, or \$5,000,000.00, whichever is greater;

63. For damages for the injury caused by defendant's' absence of required actions of \$5,000 for each failure to act; or \$15,000,000.00, whichever is greater;

64. That the court enter a declaratory judgment that defendants have acted arbitrarily and capriciously, have abused their discretion and have acted not in accordance with law, but under color of law;

65. That the court enter a declaratory judgment that defendants have acted contrary to constitutional right, power or privilege;

³ See the use of dictionaries by the Supreme Court of the United States, by Kevin Werbach, titled Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994).

66. That the court enter a declaratory judgment that defendants' actions were in excess of statutory jurisdiction, authority and short of statutory right;

67. That the court permanently enjoin defendants from interfering in any way with Kennedy's lawful rights and net out alleged tax owed by Kennedy to zero.

68. That the court permanently enjoin defendants from interfering in any way with Kennedy's lawful rights and honor their fiduciary duty to Kennedy;

69. That the court order all the Bandits to expunge their records of Kennedy's name, and his fines, tickets, and all other records concerning these matters;

70. That the court order all the Bandits to return the value of all bonds created in these matters in this case and that these said bonds be given to Kennedy;

71. That the Court Order Defendants to Stop Stealing from the Plaintiff, Return all Stolen Funds from the Plaintiff to the Plaintiff, and Remove all Tax Liens and Tax Levies nunc pro tunc.

72. For interest as allowed by law;

73. For costs of suit incurred;

74. That the court grant his lawsuit costs and lawyer fees; and

75. That the court grant such, other and further relief as the court deems proper;


76. That the court order Defendant Internal Revenue Service to pay Kennedy damages for the injury caused by defendant's' INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, the SIXTH CAUSE OF ACTION, of \$1,000,000.00;

77. That the court order Defendant Internal Revenue Service to pay damages to Kennedy for the injury caused by defendant's' TRESPASS ON THE CASE -VICARIOUS

LIABILITY, the THIRD CAUSE OF ACTION, of \$1,000,000.00;

78. I, Edward Thomas Kennedy, declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

Date: August 9, 2018, County of Lehigh, Pennsylvania.


Edward Thomas Kennedy
401 Tillage Road
Breinigsville, Pennsylvania
Phone: 415-275-1244.
Email: pillar.of.peace.2012@gmail.com
Fax: 570-609-1810.

SEAL

Notice

1. Notice of this Plaintiff's Original Complaint and three Exhibits and a Petition is served to:

Samuel Anthony Alito, Associate Justice
Supreme Court of the United States
1 First Street NE
Washington, DC 20543.

Attachments:

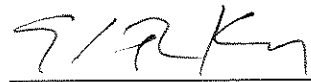

Exhibit 1, Law of the Case, nine pages.

Exhibit 2, US Tax Court Docket No. 11586-18 paperwork of Defendants, eight pages.

CERTIFICATE OF SERVICE

I certify that on August 9, 2018 I filed a copy of the above Plaintiff's Original Complaint, Certificate of Service, and Exhibits 1, 2 and 3 with this Court's Clerk of the Court via US regular mail at Edward N. Cahn U.S. Courthouse & Federal Bldg. 504 W. Hamilton Street, Allentown, PA 18101 and Plaintiff's Original Complaint and three Exhibits and a Petition is served by US regular mail to the following common law judge:

Samuel Anthony Alito, Associate Justice
Supreme Court of the United States
1 First Street NE
Washington, DC 20543

Edward Thomas Kennedy

Exhibit 1

Nine pages

Exhibit 1 LAW OF THE CASE**LAW OF THE CASE**

1. Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law. (See the use of dictionaries in the Supreme Court of the United States, by Kevin Werbach Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994)).

2. In a court of record, a judge has no discretion. Discretion is reserved to the independent tribunal. When the word "law" is used without qualification, it means common law. An "attorney at law" means one who practices common law. (notwithstanding the fact that modern attorneys ignore the subject). An "attorney in equity" is one who practices before an equity court.

3. Absolute Judicial immunity is a myth. A Judge does not have absolute immunity. Judicial immunity does not apply when the following conditions exist:

- a. when he is performing a non-judicial act, or
- b. when he acts in the complete absence of all jurisdiction.

4. Statutes are expressions of will from the legislature. To maintain confusion, Bar members append the word "law" to it. Naturally, one is supposed to then believe that statutory law is the same as and equal to common law (it isn't!). There is no legislative foundation for any Bar member to "practice" law.

5. Codes are nothing more than a collection of statutes and other rules arranged by subject instead of being arranged by date. Law beats statutes; statutes beat codes.

6. The California 1879 Constitution defines all California courts to be courts of record.

7. Commonwealth of Pennsylvania maintains confusion and deception with multiple versions of its Constitution. Commonwealth of Pennsylvania has had five versions of constitutions 1776, 1790, 1838, 1874, and 1968. See John J. Kennedy, Pennsylvania Government and Politics, 1st Edition, Cognella publisher, 2018. Chapter 3, pages 79 to 90.)

8. "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law," (Preamble - Universal Declaration of Human Rights)

9. Nisi Prius is defined as: "a court where civil actions are tried by a single judge sitting with a jury, as distinguished from an appellate court." This means the nisi prius court is a Trial Court which of course is where the facts of a case are discovered. A nisi prius court is a "court of no record," but a record is kept in a trial court. The mere keeping of a record does not qualify any court to be a court of record.

10. Black's Law Dictionary, Fifth Edition, contributes to the confusion by listing only two of the four requirements for a court to qualify as a court of record. For the full explanation, see <https://www.1215.org/lawnotes/lawnotes/courtrec.htm>.

11. In California, all courts are named as courts of record. However, if in an individual case they are not operated as courts of record, then they don't qualify as such. It takes more than a name to make a court of record. Even though a court may be keeping a record, it is a court of no record if it does not conform to the remaining three requirements for a lawful court of record.

Exhibit 1 LAW OF THE CASE

12. A court of record is a court which must meet the following criteria:

1. generally has a seal
2. power to fine or imprison for contempt
3. keeps a record of the proceedings
4. proceeding according to the common law (not statutes or codes)
5. the tribunal is independent of the magistrate (judge)

Note that a judge is a magistrate and is not the tribunal. The tribunal is either the sovereign himself, or a fully empowered jury (not paid by the government).

13. Black's Law Dictionary's omissions are subtle but one can recombine the information and get to the real meaning of terms such as "nisi prius".

14. "Nisi prius" is a Latin term. Individually, the words mean thus: "Prius" means "first." For example, "Prius vitiis laboravimus, nunc legibus" means "We labored first with vices, now with laws." Quoted from Black's Law Dictionary, Fifth Edition. "Nisi" means "unless." Quoting from B.L.D., 5th Ed.: "The word is often affixed as a kind of elliptical expression, to the words 'rule,' 'order,' 'decree,' 'judgment,' or 'confirmation,' to indicate that the adjudication spoken of is one which is to stand as valid and operative unless the party affected by it shall appear and show cause against it, or take some other appropriate step to avoid it or procure its revocation."

15. "Nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

16. It is a matter of right that one may demand to be tried in a court of record. By sheer definition, that means that the court must proceed according to the common law (not the statutory law). The only way that a court can suspend that right is by the prior agreement of the parties.

17. For tactical reasons, Commonwealth of Pennsylvania and/or the state and/or State, prefers to proceed according to statutory law rather than common law. The only way it can do that is to obtain the prior agreement from the parties. That is the primary (but hidden) purpose of the arraignment procedure.

18. During arraignment choices for pleading are only guilty, not guilty, nolo contendere, but all three choices lead to the same jurisdiction, namely a statutory jurisdiction, not a common law jurisdiction. That is to say, the question to be decided is whether or not the statute was violated, not whether the common law was violated.

19. The dictionary does not lie in its definition of a nisi prius court but it does omit some important information. Namely, that it is a court that has been set up by prior agreement assumed because when the three statutory options [guilty, not guilty, nolo contendere] were presented to the defendant he chose one. He thus failed to enforce his right to be prosecuted in a court of record.

20. Once the agreement (as evidenced in the arraignment proceeding) has been secured, the court proceeds under statutory authority. Now the court ceases to be a court of record and becomes a court of no record by prior lack of objection, i.e. by prior agreement implied by failure to object.

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21. Naturally, after securing the agreement, a nisi prius court can move on to examine the facts with a judge and jury, etc. etc.

22. The criminal court is an inferior court because it is operating according to special rules (criminal code) and not according to the common law. Even if its name is "Superior Court of" it is still an inferior court so long as it is operating according to some code or statutes rather than the common law. On the other hand, a court of record, so long as it meets the criteria, is a true superior court. The decisions and proceedings of an inferior court are not presumed to be valid. The inferior court can be sued in a superior court (that's called a "collateral attack"). In other words, the superior court (court of record) out ranks the inferior court not of record."

23. Government Manipulation of Language. The first "trick" of the Government is the re-definition of certain critical words in each Statute (Act) The Government assumes the ordinary meaning of the word so as to trick the public into reading and interpreting the Statute in their favour. Here is a summary of some of the Trick Words. Two keywords that are re-defined in almost every Statute are the words "person" and "individual". There are at least two "person" in law: A natural-person is a legal entity for the human-being.

An artificial-person is a legal entity that is not a human being. (Here are the exact definitions from Barron's Canadian Law Dictionary, fourth edition (ISBN 0-7641-0616-3): natural person. A natural person is a human being that has the capacity for rights and duties. artificial person. A legal entity, not a human being, recognized as a person in law to whom certain legal rights and duties may attached - e.g. a body corporate.)

24. The natural-person has the "capacity" (i.e. ability) for rights and duties, but not necessarily the obligation. The artificial-person has rights and duties that may be attached (i.e. assigned) by laws.

25. The second "trick" of the Government is to use the Interpretation Act to define words that apply to all Statutes, unless re-defined within a particular Statute. Without this knowledge, one could assume the ordinary meaning for the words one is reading, not realizing that they may have been defined by the Interpretation Act. Unless these words have been re-defined in another Statute, the underlying definitions for the two most important words still apply, either from the Interpretation Act, or the Canadian Law Dictionary. Basically, they are defined as follows:

- a. from the Canadian Law Dictionary one can find that:
individual means a natural person,
- b. from the Income Tax Act find the re-definition:
individual means an artificial person.
- c. from the Canadian Law Dictionary find that:
person means an individual (natural person) or incorporated group (artificial person),
- d. from the Interpretation Act find the re-definition:
person means a corporation (an artificial- person),
- e. from the Income Tax Act find the re-definition again:
person means an artificial person (amongst other things).

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26. In the Canadian Human Rights Act, one can see how individual and person are used and how they are applied to natural and artificial persons.

27. The third "trick" of the Government is to use the word "includes" in definitions instead of using the word "means". They do this in some critical definitions that they want misinterpreted. If they used "means" instead of "includes" then their deception would be exposed, but by using "includes" they rely upon the reader to assume that "includes" expands the definition, whereas in reality it restricts the definition in the same manner that "means" restricts the definition.

28. Here is a means definition of the word "person" from the Bank Act:
person means a natural person, an entity or a personal representative;

29. Here is an includes definition of the word "person" from the Interpretation Act:
person, or any word or expression descriptive of a person, includes a corporation
To expose their deception, substitute the word means or any word or expression descriptive of a person, means a corporation (viz. artificial-person)

30. Both "means" and "includes" are restrictive in scope because they only encompass part of the whole. Typically they are used in the following form:
person means A or B or C (and nothing else).
person includes A and B and C (and nothing else).

31. From the above example, one sees the logical difference. The list that follows means is constructed using "or", whereas the list that follows includes is constructed using "and".

32. There is a Legal Maxim that supports the restriction of "includes" which is as follows: *Inclusio unius est exclusio alterius*. The inclusion of one is the exclusion of another. The definition of the word include is key to understanding the potential loss of the natural-person. This is the major trick used by the Government in an attempt to take away natural-person rights. Unless this is known one voluntarily forfeits rights.

33. The fourth "trick" of the Government is to modify how the word "includes" is used in order to make an expansion in the definition when such expansion is required. This "trick" helps add confusion to the use of "includes" convincing most readers that "includes" should always be expansive rather than limiting. Here are some legitimate ways in which "includes" is modified to become expansive rather than restrictive:

- also includes
- and includes
- includes, without limitation,
- including
- including but not limited to

34. The expansive definitions usually take the following form:
person means A or B or C and includes D. (A,B, C and D). However, there is also a possibility that "and includes" is restrictive in some constructions. There are some people investigating this possibility right now. Their logic is demonstrated by the following example of a definition that states: province means a province of Canada and includes Ontario and Quebec.
So, if one presumes that "and includes" does provide expansion then one must ask why Ontario and Quebec had to be specifically mentioned when they are already part of a so-called province.

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35. The above construction clearly defines the scope of what is meant by province, that is a province of Canada (it does not say which one), and includes only Ontario and Quebec (compiled from a list of two from the original scope of all provinces). In this construction means provides the scope of the definition and includes provides the list of what is actually included in the definition.

36. The foregoing analysis is one interpretation, but is not the only interpretation. The use of "includes" in statutory definitions can be argued both ways and is the backbone of understanding interpretations.

37. With the presumption that "and includes" is restrictive, then we must take a very close look at the following definition, taken from the Interpretation Act: province means a province of Canada and includes the Yukon Territory, the Northwest Territories and Nunavut .

38. With this presumption what is stated is: unless another statute re-defines province, the default definition of province only includes the Yukon Territory, the Northwest Territories and Nunavut.

39. So in order to not become absurd, we must allow for "and includes" to be expansive, however more work needs to be done on this subject before placing the last nail in the coffin, so to speak.

40. Barron's Canadian Law Dictionary does not provide definitions for "include" or "means" therefore we have to look in the next source for the definitions.

41. From Black's Law Dictionary, fourth edition, here is the definition for the word "include":

include. To confine within, hold as in an inclosure, take in , attain, shut up, contain, inclose, comprise, comprehend, embrace, involve. Including may, according to context, express an enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included within general words theretofore used.

inclose. To surround; to encompass; to bound; fence, or hem in, on all sides.

It is stated in the above definition that the verb include is clearly restrictive and only has limited scope. On the other hand the participle, including (but not limited to) enlarges the scope.

42. Therefore the conclusion is that when used in a definition, include does not expand the existing definition of the word it is attempting to define.

43. It is easy to be confused because one naturally assumes the existing definition of the word, then assume include means to add this new interpretation to the existing assumed definition of the word. Our assumptions fail us in this case.

44. For the Doubting Thomas: If one looks into any statute, one will be able to find a definition that uses the word includes and attempts to broaden the scope of that word to include the ordinary meaning, finda that the statute will break down because it will not be able to support the inclusion of the ordinary meaning of the word.

45. The breakdown usually occurs when slavery is invoked.

46. Courts may be classified and divided according to several methods, the following being the more usual: COURTS OF RECORD and COURTS NOT OF RECORD.

Exhibit 1 LAW OF THE CASE

47. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal.

48. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. See 3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225; *Erwin v. U.S.*, D.C.Ga., 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231.

49. A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. See *Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y.

50. CONFIRMATIO CARTARUM, October 10, 1297, By Edward, King of England, reaffirms that the Magna Carta may be pleaded as the Common Law before a court. This links the Magna Carta to the Common Law. The U.S. Constitution guarantees one's access to the Common Law, i.e. the Magna Carta. (See "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation; distributed by Associated College Presses, 32 Washington Place, New York 3, New York.).

51. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4).

52. No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy.

53. The definition of sovereignty retains the meaning it had at the time the US Constitution was formed. Who is the Tribunal? Answer: The sovereign, the ultimate Judge.

54. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.]

55. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]

56. Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]

57. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Scherer v. Cullen, 481 F 946.]

58. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the

Exhibit 1 LAW OF THE CASE

people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]

59. The Commonwealth of Pennsylvania is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.see Pennsylvania Constitution, all versions.

60. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]

61. Conspiracy against rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 241]

62. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 242]

63. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

64. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times

Exhibit 1 LAW OF THE CASE

and places previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

65. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:

A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

66. The following persons are magistrates: ...The judges of the superior courts.... [California Penal Code, Sec. 808.] ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law.... [Confirmatio Cartarum, November 5, 1297, *Sources of Our Liberties* Edited by Richard L. Perry, American Bar Foundation]

67. Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court. [Magna Carta, Article 34].

68. If any claim, statement, fact, or portion in this action is held inapplicable or

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not valid, such decision does not affect the validity of any other portion of this action.

69. The singular includes the plural and the plural the singular.

70. The present tense includes the past and future tenses; and the future, the present.

71. The masculine gender includes the feminine and neuter.

72. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

73. We the people of this state do not yield their sovereignty to the agencies that serve them.

74. Through the courts, Plaintiff encourages the government to obey the law.

75. That Modern Attorneys representing Defendants shall declare or affirm under penalty of perjury in his court filings and documents..

Exhibit 2

Eight pages

**US TAX COURT
RECEIVED**

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SEC



**US TAX COURT
eFILED**

AUG 3 2018

EDWARD THOMAS KENNEDY,
Petitioner,

v.

ELECTRONICALLY FILED

Docket No. 11586-18

COMMISSIONER OF INTERNAL REVENUE,
Respondent

RESPONDENT'S MOTION TO DISMISS FOR LACK OF JURISDICTION

CERTIFICATE OF SERVICE

UNITED STATES TAX COURT

| | | |
|-----------------------------------|---|----------------------|
| EDWARD THOMAS KENNEDY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Docket No. 11586-18 |
| |) | |
| COMMISSIONER OF INTERNAL REVENUE, |) | Filed Electronically |
| |) | |
| Respondent. |) | |

MOTION TO DISMISS FOR LACK OF JURISDICTION

RESPONDENT MOVES that this case be dismissed for lack of jurisdiction upon the ground that no notice of determination authorized by I.R.C. §§ 6320 or 6330, to form the basis for a petition to this Court, has been sent to petitioner with respect to taxable years 2001 through 2017, nor has respondent made any other determination with respect to petitioner's taxable years 2001 through 2017 that would confer jurisdiction on this Court.

IN SUPPORT THEREOF, respondent respectfully states:

1. The petition was filed on June 11, 2018.
2. The petitioner did not check a box in paragraph one of his petition identifying the IRS Notice that he disputed.
3. In paragraph two of the petition, petitioner did not provide the date the IRS issued the Notice or City and state of the IRS office issuing the disputed notice.
4. In paragraph three of the petition, petitioner did not provide the years or periods for which the notice was issued.

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5. Petitioner attached a ten page document entitled "Petition" to the copy of the petition served on respondent. This ten page document does not identify a notice issued or determination made by the Service that would confer jurisdiction upon the Court. The petition does not contain a copy of any alleged notice or determination received from respondent by petitioner that would indicate the controversy and or the taxable years at issue in this proceeding.

6. In paragraph 2 of the petition, petitioner characterizes several high ranking government officials and the Internal Revenue Service in general as "Bandits." He then asserts that they are "summoned to answer the said plea of trespass..."

7. The petition includes four "causes of action." The first cause of action is "Trespass." See page one of the petition. The second cause of action is "Trespass on this Case." See page four of the petition. The third cause of action is "Trespass on the case - vicarious liability." See page four of the petition. The fourth cause of action is "Failure to provide a republican form of government." See page five of the petition.

8. The petition does not identify a tax year at issue or a notice that would give the Tax Court jurisdiction. Instead, it

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is replete with references to "Trespass."

9. There is only one reference to any potential controversy and or taxable years at issue in the attached document marked as "Petition." On page two, paragraph 2., petitioner claims that the Service identified as Bandits, "took further casual ill-considered actions to further injure Kennedy with liens, repeated theft of funds and intentional infliction of stress, affecting his ability to earn a living since 2001..."

10. Although the petition does not appear to state a proper claim, giving the petition the benefit of any doubt, respondent is assuming that petitioner is attempting to challenge the appropriateness of the alleged filing of Federal Tax Liens for the taxable years 2001 through 2017.

11. Respondent pulled transcripts for taxable years 2001 through 2017 and found that petitioner does have balances owed for the taxable years 2006, 2007 and 2016.

12. Respondent's records indicate that liens were filed for taxable years 2006 and 2007; however, no determination letters were issued for the 2006 and 2007 taxable years that would confer jurisdiction to the Court.

13. According to respondent's records, on April 8, 2011, liens were placed on petitioner's assets due to balances owed for taxable years 2006 and 2007. On April 12, 2011, respondent

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issued a Notice of Lien Filing and right to Collection due process hearing as to taxable years 2006 and 2007. Respondent's records indicate that petitioner did not submit a request for Collection Due Process Hearing. Since no hearing was requested, respondent did not make or issue a determination that would confer jurisdiction to the Court as to the liens that were filed for taxable years 2006 and 2007.

14. Respondent's records indicate that no collection action has been taken as to petitioner's unpaid balance for taxable year 2016.

15. Respondent has diligently searched his records and contacted I.R.S. personnel in an attempt to determine whether a notice of determination authorized by I.R.C. §§ 6320 or 6330 was mailed to petitioner with respect to the taxable years 2001 through 2017. Based on said diligent search, and based on a review of respondent's records kept in the ordinary course of business when respondent issues and mails a notice of determination to a specific taxpayer, there is no record, information, or other evidence indicating that a notice of determination authorized by I.R.C. §§ 6320 or 6330 was mailed to petitioner with respect to the taxable years 2001 through 2017.

16. Accordingly, respondent has determined, based upon the foregoing, that no notice of determination sufficient to confer

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jurisdiction on the Court pursuant to I.R.C. §§ 6320 or 6330, has been sent to petitioner with respect to the taxable years 2001 through 2017.

17. Petitioner has neither produced, nor otherwise demonstrated, that a notice of determination or other determination sufficient to confer jurisdiction on this Court was mailed to petitioner as required by I.R.C. §§ 6320, 6330 and Tax Court Rule 34(b), or other applicable provisions of the Internal Revenue Code or Rules of this Court.


18. On Thursday, August 2, 2018, respondent's counsel attempted to contact petitioner via telephone to discuss the motion. Respondent's counsel left a voicemail message explaining the motion and requesting that petitioner identify and provide a copy of the notice of determination or document that petitioner may have received that would confer jurisdiction to the Tax Court. Petitioner returned respondent's telephone message and left a voicemail indicating that his petition was sufficient and that he would respond to the motion once he had a chance to review it.

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WHEREFORE, respondent requests that this motion be granted.

WILLIAM M. PAUL
Acting Chief Counsel
Internal Revenue Service



Date: AUG 3 2018

By: _____

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OF COUNSEL:

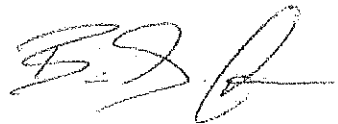
BRUCE K. MENEELY
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(Small Business/Self-Employed:Area 2)
HARRY J. NEGRO
Associate Area Counsel
(Small Business/Self-Employed)

Docket No. 11586-18

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing MOTION TO DISMISS FOR LACK OF JURISDICTION was served on petitioner by mailing the same on AUG 3 2018 in a postage paid wrapper addressed as follows:

Edward Thomas Kennedy
401 Tillage Road
Breinigsville, PA 18031



Date: AUG 3 2018

BRIAN S. JONES
Attorney (Philadelphia, Group 1)
(Small Business/Self-Employed)
Tax Court Bar No. JB0091

August 9, 2018

Via USPS Regular Mail

COVER LETTER

Do not file cover letter

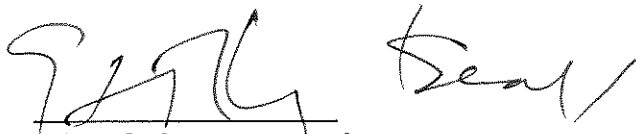
KATE BARKMAN, CLERK OF COURT
U.S. District Court, ED of PA
2609 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

Dear Clerk of Court Barkman,

File on Demand. Appropriate forms are also enclosed.

I have requested ECF access, and please tell me the case number when filed.

Sincerely,

A handwritten signature in black ink, appearing to read 'ET Kennedy', written over a horizontal line.

Edward Thomas Kennedy

401 Tillage Rd

Breinigsville, PA 18031

Phone: (415) 275-1244

Fax: (484)-930-0051

Email: Kennedy2018@alumni.nd.edu